

DETAILED ACTION

1. The Office Action is in response to an AMENDMENT entered 10/28/2009 for the patent applicant 10/587703 filed 7/27/2006.
2. The Office Action of 7/31/2009 is fully incorporated into this Final Office Action by reference.
3. Claims 15-32 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 15-17, 19, 22 and 24-26** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2003/0046705 A1 to *Sears*.

As to **claim 15**, *Sears* discloses an IP-enabled terminal that interfaces with a TV, comprising:

a video-based entertainment service component comprising a digital video broadcast entertainment application (Fig. 1-3, pg. 2, ¶0024, 0026 & 0031, set top box 102 with network interface/tuner 302);

Art Unit: 2426

a video-based communication service component comprising a communication video telephony application (Fig. 3, pg. 4, ¶¶0053 & 0058 , telephone circuitry 303 and various components for video based communication including video camera 246, microphone 242 and speaker 244);

a shared operating system that allows parallel processing and is adapted to run applications in parallel on said shared operating system (Fig. 3, pg. 4, ¶¶0054, 0057, & 0059, codec shared for use of digital video broadcast receiver and video telephone capabilities);

a commercial set top box controller chip adapted to provide set top box control functionality (Fig. 3, pg. 3, ¶¶0050, set top box 102);

at least one of a video camera and a video camera connection (Fig. 3, pg. 4, ¶¶0058, video camera 246);

a digital signal processor adapted to provide encoding and decoding functionality to the video telephony application and decoding functionality to the digital video broadcast application (Fig. 3, pg. 2, ¶¶0026 & 0054, codec 304 encodes/decodes audio/video signals and a decoder to decode the encoded television signal), wherein said digital signal processor, in conjunction with said commercial set top box controller chip, is adapted to support said digital video broadcast application and said video telephony application (Fig. 3, pg. 4, ¶¶0026, 0050, 0054, 0056 & 0059, CPU coupled with components for digital television receiver and video telephone capabilities via bus for operation); and

a telephony connector adapted to allow connection of a PSTN telephone terminal to said IP enabled terminal, said PSTN telephone terminal adapted to provide voice transmission for said video telephony application (Fig. 1 & 3, pg. 3, ¶0039, 0045, 0048 & 0053, telephone circuitry 303 transforms an audio signal received by wireless receiver 203 of the STB 102 into a telephony grade audio signal for transmission via the PSTN telephone network 122).

As to **claim 16**, *Sears* further discloses said video camera is integrated into said terminal (Fig. 2, pg. 3, ¶0045).

As to **claim 17**, *Sears* further discloses said video camera connection is external (Fig. 2, pg. 3, ¶0045).

As to **claim 19**, *Sears* further discloses a DSL connector or a cable connector (pg. 4, ¶0051-0052).

As to **claim 22**, *Sears* further discloses a keyboard connector (Fig. 2, pg. 3, ¶0047).

As to **claim 24**, *Sears* further discloses a remote control connection (Fig. 2, pg. 3, ¶0042).

As to **claim 25**, *Sears* further discloses a loudspeaker and a microphone (Fig. 3, pg. 3, ¶0046).

As to **claim 26**, *Sears* further discloses a DSL connector (pg. 4, ¶0052).

Claim Rejections - 35 USC § 103

Art Unit: 2426

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Pub. No. 2003/0046705 A1 to *Sears* in view of U.S. Pub. No. 2004/0181809 A1 to *Schilling*.

As to **claim 18**, *Sears* further discloses a loudspeaker and a microphone (*Sears* Fig. 3, pg. 3, ¶0046).

Sears does not expressly disclose a DSL splitter PSTN telephony service is provided to the PSTN telephone terminal.

Schilling discloses a DSL splitter PSTN telephony service is provided to the PSTN telephone terminal (*Schilling* Fig. 1, pg. 2, ¶0029 & 0032).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify *Sears* by providing a DSL splitter PSTN telephony service to the PSTN telephone terminal as disclosed by *Schilling*. The suggestion/motivation would have been in order to receive its respective signal for the telephone to properly function (*Schilling* Fig. 1, pg. 2, ¶0029 & 0032).

8. **Claim 20, 21, 23 and 27-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2003/0046705 A1 to *Sears* in view of U.S. Pub. No. 2001/0049720 A1 to *Eyer*.

As to **claim 20**, *Sears* does not expressly disclose a USB connector.

Eyer discloses a USB connector (*Eyer* Fig. 2, pg. 5, ¶0045).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Sears* by including a USB connector as disclosed by *Eyer*. The suggestion/motivation would have been in order to provide interfaces that may be utilized to interconnect the set top box with various devices (*Eyer* Fig. 2, pg. 4, ¶0045).

As to **claim 21**, *Sears* does not expressly disclose an Ethernet connector.

Eyer discloses an Ethernet connector (*Eyer* Fig. 2, pg. 5, ¶0045).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Sears* by including an Ethernet connector as disclosed by *Eyer*. The suggestion/motivation would have been in order to provide interfaces that may be utilized to interconnect the set top box with various devices (*Eyer* Fig. 2, pg. 4, ¶0045).

As to **claim 23**, *Sears* discloses the terminal as claimed in claim 15, further comprising an indicator lamp.

Sears does not expressly disclose an indicator lamp.

Eyer discloses an indicator lamp (*Eyer* Fig. 2, pg. 5, ¶0050).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Sears* by including an indicator lamp as disclosed by *Eyer*. The suggestion/motivation would have been in order to

provide information that is easily readable on a front panel display (*Eyer* Fig. 2, pg. 4, ¶0050).

As to **claim 27**, *Sears* does not expressly disclose a USB connector.

Eyer discloses a USB connector (*Eyer* Fig. 2, pg. 5, ¶0045).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Sears* by including a USB connector as disclosed by *Eyer*. The suggestion/motivation would have been in order to provide interfaces that may be utilized to interconnect the set top box with various devices (*Eyer* Fig. 2, pg. 4, ¶0045).

As to **claim 28**, *Sears* further discloses a cable connector (*Sears* pg. 4, ¶0051).

As to **claim 29**, *Eyer* discloses an Ethernet connector (*Eyer* Fig. 2, pg. 5, ¶0045).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Sears* by including an Ethernet connector as disclosed by *Eyer*. The suggestion/motivation would have been in order to provide interfaces that may be utilized to interconnect the set top box with various devices (*Eyer* Fig. 2, pg. 4, ¶0045).

As to **claim 30**, *Sears* further discloses a keyboard connector (*Sears* Fig. 2, pg. 3, ¶0047).

As to **claim 31**, *Eyer* discloses an indicator lamp (*Eyer* Fig. 2, pg. 5, ¶0050).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify *Sears* by including an indicator lamp as disclosed by *Eyer*. The suggestion/motivation would have been in order to provide information that is easily readable on a front panel display (*Eyer* Fig. 2, pg. 4, ¶0050).

As to **claim 32**, *Sears* further discloses a remote control connection (*Sears* Fig. 2, pg. 3, ¶0042).

Response to Arguments

9. Applicant's arguments with respect to claims 15-32 have been considered but are moot in view of the new ground(s) of rejection.

Examination Considerations

10. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541,550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the

Art Unit: 2426

art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

11. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

12. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

13. Examiner's Opinion: ¶ 10-12 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2426

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Claims 15-32 have been rejected.

Correspondence Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYU CHAE whose telephone number is (571)270-5696. The examiner can normally be reached on Mon-Fri, 8 a.m. - 5 p.m.; EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2426

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

January 8, 2010